

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5**

IN THE MATTER OF:

**Evonik Industries
900 South Palm Street
Janesville, Wisconsin 53548**

ATTENTION:

**Joshua Hilden
EH&S Manager**

Request to Provide Information Pursuant to the Clean Air Act

The U.S. Environmental Protection Agency is requiring Evonik Industries (Evonik or you) to submit certain information about the facility at 900 South Palm Street, Janesville, Wisconsin. Appendix A provides the instructions needed to answer this information request, including instructions for electronic submissions. Appendix B specifies the information that you must submit. You must send this information to us according to the schedule outlined in Appendix B.

We are issuing this information request under Section 114(a) of the Clean Air Act (the CAA), 42 U.S.C. § 7414(a). Section 114(a) authorizes the Administrator of EPA to require the submission of information. The Administrator has delegated this authority to the Director of the Air and Radiation Division, Region 5.

Evonik owns and operates an emission source at the Janesville, Wisconsin facility. We are requesting this information to determine whether your emission source is complying with the Wisconsin State Implementation Plan, its Part 70 Operating Permit and the Clean Air Act.

Evonik must send all required information to:

Attn: Compliance Tracker, AE-17J
Air Enforcement and Compliance Assurance Branch
U.S. Environmental Protection Agency
Region 5
77 W. Jackson Boulevard
Chicago, Illinois 60604

Evonik must submit all required information under an authorized signature with the following certification:

I certify under penalty of law that I have examined and am familiar with the information in the enclosed documents, including all attachments. Based on my inquiry of those individuals with primary responsibility for obtaining the information, I certify that the statements and information are, to the best of my knowledge and belief, true and complete. I am aware that there are significant penalties for knowingly submitting false statements and information, including the possibility of fines or imprisonment pursuant to Section 113(c)(2) of the Clean Air Act and 18 U.S.C. §§ 1001 and 1341.

As explained more fully in Appendix C, you may assert a claim of business confidentiality under 40 C.F.R. Part 2, Subpart B for any part of the information you submit to us. Information subject to a business confidentiality claim is available to the public only to the extent, and by means of the procedures, set forth at 40 C.F.R. Part 2, Subpart B. If you do not assert a business confidentiality claim when you submit the information, EPA may make this information available to the public without further notice. You should be aware, moreover, that pursuant to Section 114(c) of the CAA and 40 C.F.R. § 2.301(a) and (f), emissions data, standards and limitations are not entitled to confidential treatment and shall be made available to the public notwithstanding any assertion of a business confidentiality claim. Appendix C provides additional information regarding the meaning and scope of the term "emissions data."

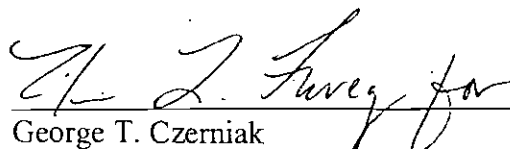
This information request is not subject to the Paperwork Reduction Act, 44 U.S.C. § 3501 *et seq.*, because it seeks collection of information from specific individuals or entities as part of an administrative action or investigation.

We may use any information submitted in response to this request in an administrative, civil or criminal action.

Failure to comply fully with this information request may subject Evonik to an enforcement action under Section 113 of the CAA, 42 U.S.C. § 7413.

You should direct any questions about this information request to Dakota Prentice at (312) 886-6761 or prentice.dakota@epa.gov.

7/15/14
Date


George T. Czerniak
Director
Air and Radiation Division

Appendix A

When providing the information requested in Appendix B, use the following instructions and definitions.

Instructions

1. Provide a separate narrative response to each question and subpart of a question set forth in Appendix B.
2. Precede each answer with the number of the question to which it corresponds and at the end of each answer, identify the person(s) who provided information used or considered in responding to that question, as well as each person consulted in the preparation of that response.
3. Indicate on each document produced, or in some other reasonable manner, the number of the question to which it corresponds.
4. When a response is provided in the form of a number, specify the units of measure of the number in a precise manner.
5. Where information or documents necessary for a response are neither in your possession nor available to you, indicate in your response why the information or documents are not available or in your possession, and identify any source that either possesses or is likely to possess the documents or information.
6. If information not known or not available to you as of the date of submission later becomes known or available to you, you must supplement your response. Moreover, should you find at any time after the submission of your response that any portion of the submitted information is false or incorrect, you must notify EPA as soon as possible.

Electronic Submissions

To aid in our electronic recordkeeping efforts, we request that you provide all documents responsive to this information request in an electronic format according to paragraphs 1 through 6, below. These submissions are in lieu of hard copy.

1. Provide all responsive documents in Portable Document Format (PDF) or similar format, unless otherwise requested in specific questions. If the PDFs are scanned images, perform at least Optical Character Recognition (OCR) for "image over text" to allow the document to be searchable. Submitters providing secured PDFs should also provide unsecured versions for EPA use in repurposing text.
2. When specific questions request data in electronic spreadsheet form, provide the data and corresponding information in editable Excel or Lotus format, and not in image format. If Excel or Lotus formats are not available, then the format should allow for data to be used in calculations by a standard spreadsheet program such as Excel or Lotus.

3. Provide submission on physical media such as compact disk, flash drive or other similar item.
4. Provide a table of contents for each disk or drive so that each document can be accurately identified in relation to your response to a specific question. We recommend the use of electronic file folders organized by question number. In addition, each compact disk or flash drive should be labeled appropriately (e.g., Company Name, Disk 1 of 4 for Information Request Response, Date of Response).
5. Documents claimed as confidential business information (CBI) must be submitted on separate disks/drives apart from the non-confidential information. This will facilitate appropriate records management and appropriate handling and protection of the CBI. Please follow the instructions in Appendix C for designating information as CBI.
6. Certify that the attached files have been scanned for viruses and indicate what program was used.

Definitions

All terms used in this information request have their ordinary meaning unless such terms are defined in the CAA, 42 U.S.C. §§ 7401 *et seq.*

1. The terms “document” and “documents” shall mean any object that records, stores, or presents information, and includes writings, memoranda, records, or information of any kind, formal or informal, whether wholly or partially handwritten or typed, whether in computer format, memory, or storage device, or in hardcopy, including any form or format of these. If in computer format or memory, each such document shall be provided in translation to a form useable and readable by EPA, with all necessary documentation and support. All documents in hard copy should also include attachments to or enclosures with any documents.
2. The terms “relate to” or “pertain to” (or any form thereof) shall mean constituting, reflecting, representing, supporting, contradicting, referring to, stating, describing, recording, noting, embodying, containing, mentioning, studying, analyzing, discussing, evaluating or relevant to.

Appendix B

Information You Are Required to Submit to EPA

Evonik must respond to this information request within 30 days of receipt of this request, pursuant to Section 114(a) of the CAA, 42 U.S.C. § 7414(a).

1. Provide a copy of each current air permit issued for the facility by the Wisconsin Department of Natural Resources (WDNR), including, but not limited to, operating permits (e.g., Title V Permits) and construction permits.
2. Provide a copy of all permit applications submitted to WDNR for the facility since June 2004.
3. Provide a copy of all final permits issued to the facility by WDNR since June 2004.
4. Provide copies of all semi-annual Monitoring Reports submitted to WDNR since 2008, as required by Section ZZ of your Part 70 Operating permit.
5. Provide copies of all semi-annual compliance reports or equivalent documents submitted to either WDNR or EPA since 2009.
6. Provide copies of all annual emissions reports submitted to WDNR from 2009 to the present. For each criteria pollutant and hazardous air pollutant (HAP) reported as emitted, provide a narrative describing the method used for the annual emissions calculations, including the basis of any emissions factors used, and any documents outlining procedures for calculating annual emissions.
7. Provide a list and copies of each emissions test conducted at the facility for any reason, from June 1994 to the present. Emissions testing includes, but is not limited to, compliance testing, engineering testing, and testing for general information. Use the following guidelines for compiling the list and preparing copies of the stack tests:
 - a. **List:** Identify the emissions unit, the date of the test, and the test method(s) used. For each test during which the source was not operating at maximum design capacity, provide an explanation for why production was limited. Indicate whether the report was shared with the state permitting agency.
 - b. **Copies:** Provide full stack test reports, including the summary pages, the section describing the process parameters and production or processing rates at the time of the test, all test runs, and all calculations. If not included in the test report, provide production data corresponding to the time of the test.
8. For each process, reactor, or tank at the facility associated with production, provide the following:

- a. An overall process diagram;
 - b. A diagram identifying how emissions are routed from each emissions unit to each control device (if present);
 - c. A description of the process and the design capacity of each emissions unit; and
 - d. A description of emissions control equipment used, if any, and design specifications.
9. For July 2009 to the present, provide the monthly and annual (12-month rolling total) production at the facility from each reactor.
10. For July 2009 to the present, provide the annual maximum production capacity of those portions of the plant described as "Area 1" and "Area 2."
11. For July 1, 2009 to the present, provide the following information associated with the Ethylene Oxide and Propylene Oxide Emissions Scrubber (Control Device C01). Parametric monitoring records should be provided as recorded by the facility:
 - a. Hours of operation of emissions units controlled by Control Device C01 when the emissions units were in operation while Control Device C01 was not in operation (monthly and annual);
 - b. Fresh water flow rate (gallons per minute);
 - c. Acid value (pH) of the scrubbant liquid;
 - d. Exhaust fan parameter as monitored by facility;
 - e. Acid solution recycle rate (gallons per minute);
 - f. Scrubber liquid flow rate (in gallons per minute);
 - g. Scrubber inlet pressure and differential pressure across scrubber;
 - h. The Malfunction Prevention and Abatement Plan (MPAP); and
 - i. If not included in the MPAP, the operating ranges for each parameter monitored, how the range was established, a copy of the performance test used to establish the operating range if not included in Request 7.
12. For July 1, 2009 to the present, provide the following information associated with the control of methyl chloride at Control Devices C02, C10 and C11. Parametric monitoring records should be provided as recorded by the facility:
 - a. Hours of operation of emissions units controlled by Control Devices C02, C10, and C11, when the emissions units were in operation, methyl chloride was present, and the control devices were not in operation (monthly and annual);
 - b. The parameters used to demonstrate continuous compliance at each control device;
 - c. The recorded operating parameters for each control device;
 - d. The MPAP for each control device; and
 - e. If not included in the MPAP, the operating ranges for each parameter monitored, how the range was established, a copy of the performance test used to establish the operating range if not included in Request 7.

13. For July 1, 2009 to the present, provide the following information associated with Reactors 9 and 10, Process P10. Parametric monitoring records should be provided as recorded by the facility:
 - a. Hours of operation of Reactors 9 and 10 when the associated vent condensers were not in operation (monthly and annual);
 - b. For each operating parameter monitored at the vent condenser, provide operating records of that parameter;
 - c. For each operating parameter monitored, provide the allowable operating range, and how the operating range was established (e.g., performance testing); and
 - d. Provide documentation showing how the facility demonstrated compliance with the emission limit of 15 pounds of volatile organic compounds (VOCs) per day.
14. For July 1, 2009 to the present, provide the following information associated with waste water pretreatment, Process P14:
 - a. Gallons of water processed (i.e., stripped) on a monthly basis; and
 - b. All documentation related to efforts regarding the investigation and implementation of efforts to reduce or eliminate methyl chloride or other contaminants from the waste water stream that require Process P14.
15. For July 1, 2009 to the present, provide the following information regarding Tanks T42, T77, and any other tanks used to store propylene oxide or ethylene oxide. Parametric monitoring records should be provided as recorded by the facility:
 - a. Temperature of the material stored in the tank;
 - b. Pressure of the tank; and
 - c. Setting of pressure relief valves.
16. For July 1, 2009 to the present, provide the following information regarding Tanks T70, T71, T200, and any other tanks used to store methyl chloride. Parametric monitoring records should be provided as recorded by the facility:
 - a. Pressure of the tank; and
 - b. Setting of pressure relief valves.
17. For those chemical products produced in Area 1 under conditions where Control Device C01 is not used to control emissions, provide estimated emissions of VOCs and HAPs, per batch and annually, with supporting documentation.
18. Provide all documentation submitted to either WDNR or EPA regarding compliance with the National Emission Standards for Hazardous Air Pollutants for Chemical Manufacturing Area Sources (40 C.F.R. Part 63, Subpart VVVVVV).

19. List each owner of the facility for the last five years, the dates of their respective ownership, and the method of ownership transfer, if applicable.
 20. List each operator of the facility for the last five years and the dates of their respective operation.
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Appendix C

Confidential Business and Personal Privacy Information

Assertion Requirements

You may assert a business confidentiality claim covering any parts of the information requested in the attached Appendix B, as provided in 40 C.F.R. § 2.203(b).

Emission data provided under Section 114 of the CAA, 42 U.S.C. § 7414, is not entitled to confidential treatment under 40 C.F.R. Part 2.

“Emission data” means, with reference to any source of emissions of any substance into the air:

Information necessary to determine the identity, amount, frequency, concentration or other characteristics (to the extent related to air quality) of any emission which has been emitted by the source (or of any pollutant resulting from any emission by the source), or any combination of the foregoing;

~~Information necessary to determine the identity, amount, frequency, concentration~~
or other characteristics (to the extent related to air quality) of the emissions which, under an applicable standard or limitation, the source was authorized to emit (including to the extent necessary for such purposes, a description of the manner and rate of operation of the source); and

A general description of the location and/or nature of the source to the extent necessary to identify the source and to distinguish it from other sources (including, to the extent necessary for such purposes, a description of the device, installation, or operation constituting the source).

40 C.F.R. § 2.301(a)(2)(i)(A), (B) and (C).

To make a confidentiality claim, submit the requested information and indicate that you are making a claim of confidentiality. Any document for which you make a claim of confidentiality should be marked by attaching a cover sheet stamped or typed with a caption or other suitable form of notice to indicate the intent to claim confidentiality. The stamped or typed caption or other suitable form of notice should employ language such as “trade secret” or “proprietary” or “company confidential” and indicate a date, if any, when the information should no longer be treated as confidential. Information covered by such a claim will be disclosed by EPA only to the extent permitted and by means of the procedures set forth at Section 114(c) of the CAA and 40 C.F.R. Part 2. Allegedly confidential portions of otherwise non-confidential documents should be clearly identified. EPA will construe the failure to furnish a confidentiality claim with your response to the Request to Provide Information as a waiver of that claim, and the information may be made available to the public without further notice to you.

Determining Whether the Information is Entitled to Confidential Treatment

All confidentiality claims are subject to EPA verification and must be made in accordance with 40 C.F.R. § 2.208, which provides in part that you must satisfactorily show that you have taken reasonable measures to protect the confidentiality of the information and that you intend to continue to do so; that the information is not and has not been reasonably obtainable by legitimate means without your consent and that disclosure of the information is likely to cause substantial harm to your business's competitive position.

Pursuant to 40 C.F.R. Part 2, Subpart B, EPA may at any time send you a letter asking that you support your confidential business information (CBI) claim. If you receive such a letter, you must respond within the number of days specified by EPA. Failure to submit your comments within that time would be regarded as a waiver of your confidentiality claim or claims, and EPA may release the information. If you receive such a letter, EPA will ask you to specify which portions of the information you consider confidential **by page, paragraph, and sentence**. Any information not specifically identified as subject to a confidentiality claim may be disclosed to the requestor without further notice to you. For each item or class of information that you identify as being CBI, EPA will ask that you answer the following questions, giving as much detail as possible:

1. For what period of time do you request that the information be maintained as confidential, e.g., until a certain date, until the occurrence of a special event, or permanently? If the occurrence of a specific event will eliminate the need for confidentiality, please specify that event.
2. Information submitted to EPA becomes stale over time. Why should the information you claim as confidential be protected for the time period specified in your answer to question number 1?
3. What measures have you taken to protect the information claimed as confidential? Have you disclosed the information to anyone other than a governmental body or someone who is bound by an agreement not to disclose the information further? If so, why should the information still be considered confidential?
4. Is the information contained in any publicly available databases, promotional publications, annual reports or articles? Is there any means by which a member of the public could obtain access to the information? Is the information of a kind that you would customarily not release to the public?
5. Has any governmental body made a determination as to confidentiality of the information? If so, please attach a copy of the determination.
6. For each category of information claimed as confidential, **explain with specificity** why release of the information is likely to cause substantial harm to your competitive position. Explain the specific nature of those harmful effects, why they should be viewed as substantial and the causal relationship between disclosure and such harmful effects. How could your competitors make use of this information to your detriment?